

REMARKS

Claims 1 to 17 are pending in this application. Examiner in a final office action dated 9/9/2007 has rejected claims 1 to 17 under 35 USC 102 (e) anticipation by Showghi et al and 103 (a), obviousness rejection as unpatentable over Showghi.

Examiner has raised objection to the drawings, specifically figure 2 should be part of a non-patent literature IDS and not be in the specification and the drawings. Examiner has also objected to the previously filed IDS as it did not attach the prior art foreign patents identified therein.

Applicant has filed RCE with this amendment with the appropriate fee for small entity status.

In this amendment and response, Applicant files four replacement drawing sheets 1 to 4. Applicant also files specification replacement sheets 3, 5, 6, 7, 8, 9, 10 and 13. These drawing and specification replacement sheets remove figure 2 from the specification and the drawings, as required by the examiner.

As required by the examiner, Applicant files a non-patent literature IDS for Figure 2, .As required by the examiner, Applicant also files an IDS and attaches the foreign patent documents that were not provided in the previously filed IDS.

In this amendment and response, applicant has canceled claims 1-17 without prejudice and has added replacement new claims 18 to 32 that better define the scope of the invention. These claims find support throughout the specification and the cancelled claims. No new matter is believed, added.

Applicant submits that claims 18 to 32 are not anticipated by Showghi or are obvious over Showghi. Specifically, Showghi does not anticipate and teach or suggest or makes it obvious independent system claim 18. Claim 18 is distinguishable over Showghi, specifically with, elements (a), (b), and (e) of claim 18 for the following reasons.

Showghi teaches a food ordering mechanism from a seat in a sport stadium from a food vendor, using a wireless device that is loaned to the customer for the venue event at the stadium by the food vendor. Thus the wireless device of Showghi is customized device for this specific use of food ordering at a sports event venue and does not belong to the customer. In contrast, element (b) teaches a customer's wireless device, which is different as it is not from the food vendor and is not customized for food ordering from a specific menu from a venue food vendor. Further, Showghi does not either teach or suggest a bill with a service code, where the code is entered into the wireless device of the customer as in element (a) and (b), because in Showghi there would not be any need for it. Furthermore, Showghi does not teach or suggest element (e), as there is no need for it in Showghi, as claim 18 teaching an entirely different invention than Showghi. Dependent claims 19 to 23 likewise are also not anticipated or obvious over Showghi

Applicant submits that similarly Showghi does not anticipate and teach or suggest or makes it obvious independent method claim 24, specifically, steps (a), (b), and (e) of claim 24 for the following reasons.

Showghi teaches a food ordering mechanism from a seat in a sport stadium from a food vendor, using a wireless device that is loaned to the customer for the venue event at the stadium by the food vendor. Thus the wireless device of Showghi is customized device for this specific use of food ordering at a sports event venue and does not belong to the customer. In contrast, step (b) teaches a customer's wireless device, which is different as it is not from the food vendor and is not customized for food ordering from a specific menu from a venue food vendor. Further, Showghi does not

either teach or suggest a bill with a service code, where the code is entered into the wireless device of the customer as in steps (a) and (b), because in Showghi there would not be any need for it. Furthermore, Showghi does not teach or suggest step (e), as there is no need for it in Showghi, as claim 24 teaching an entirely different invention than Showghi. Dependent claims 24 to 29, likewise are also not anticipated or obvious over Showghi

Applicant submits that Showghi does not anticipate and teach or suggest or makes it obvious independent system claim 30, specifically, element (a) and (b) of claim 30 for the following reasons.

Showghi does not teach or suggest element (b) as there is no need for it in Showghi, claim 30 teaching an entirely different invention than Showghi. Showghi does not teach or suggest element (a) as the customer wireless device communicates to a third party central system, whereas in Showghi the wireless device being loaned to the customer by the food vendor, communicates to the food vendor computer system. Dependent claims 31 to 32, likewise are also not anticipated or obvious over Showghi

Therefore, for the reasons stated above, claims 18 to 32 are neither anticipated by Showghi nor obvious over Showghi.

CONCLUSION

Applicant respectfully asserts that claims 18 to 32 are patentable for the reasons
5 set forth above. The application is now in a condition for allowance. Accordingly, an early
notice of allowance is respectfully requested. The Examiner is requested to call the
undersigned at 310-540-4095 for any reason that would advance the instant application to
issue.

10 Dated this the 3rd day of December, 2007

Respectfully submitted,



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20 Response To Final Office Action 9-9-2007